

UNITED STATES DISTRICT COURT
DISTRICT OF MARYLAND

LINDA B. DESHIELDS

Plaintiff,

v.

CIVIL ACTION NO

SMITH DEAN AND ASSOCIATES

Defendant.

FEBRUARY 4, 2009

COMPLAINT

1. Plaintiff seeks relief pursuant to the Fair Debt Collection Practices Act ("FDCPA"), 15 U.S.C. § 1692; Md. Ann. Code Commercial Law Maryland Consumer Debt Collection Act. § 14-204 et seq. ("MCDCA"); Md. Ann. Code Business Regulation Collection Agencies § 7-301 et seq. and the Md. Ann. Code Commercial Law Consumer Practices Act § 13-301 et seq.

2. The Court's jurisdiction is conferred by 15 U.S.C. 1692k and 28 U.S.C. 1331 and 1367.

3. Plaintiff is a natural person who resides in Baltimore, Maryland.

4. Plaintiff is a consumer within the FDCPA.

5. Defendant is a debt collector within the FDCPA.

6. Defendant is an un-licensed collection agency in the State of Maryland.

Defendant has a place of business at 101 Century 21 Drive, Suite 107,
Jacksonville, FL 32216.

7. Defendant communicated with plaintiff within one year before the date of this action, in connection with collection efforts with regard to plaintiff's daughter's personal debt to Cash-N-Go.

8. Defendant the un-licensed debt collector attempted to collect a debt from the Maryland Plaintiff.

9. Defendant contacted the Plaintiff and threatened criminal prosecution of the elderly, disabled, and minority Plaintiff in their attempt to collect a debt.

10. In the collection efforts, the Defendant violated the FDCPA, *inter alia*, section 1692e and f.

SECOND COUNT

11. The allegations of the First Count are repeated and realleged as if fully set forth herein.

12. Within three years prior to the date of this action Defendant has engaged in acts and practices as to plaintiff in violation of the Md. Ann. Code Commercial Law Maryland Consumer Debt Collection Act § 14-204 et seq. ("MCDCA"); Md. Ann. Code Business Regulation Collection Agencies § 7-301 et seq.

13. Defendant has committed unfair or deceptive acts or practices within the meaning of the Md. Ann. Code Commercial Law Consumer Practices Act § 13-301 et seq.

WHEREFORE plaintiff respectfully requests this Court to:

1. Award plaintiff such damages as are permitted by law both compensatory and Punitive, including \$1,000 statutory damages for each communication against the defendant;
2. Award the plaintiff costs of suit and a reasonable attorney's fee;
3. Award declaratory and injunctive relief, and such other and further relief as law or equity may provide

THE PLAINTIFF

BY/S/Bernard T. Kennedy
Bernard T. Kennedy, Esquire
The Kennedy Law Firm
P.O. Box 657
Edgewater, MD 21037
Ph (443) 607-8901
Fax (443) 607-8903
Fed. Bar # Md26843
bernardtkennedy@yahoo.com